

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI,
WESTERN DIVISION

UNITED STATES OF AMERICA

VERSUS

CRIMINAL ACTION NO. 5:04cr9-DCB

ANTHONY DIXON

DEFENDANT

ORDER

This cause is before the Court on the defendant's Motion for Reduction of Sentence [docket entry no. 36], wherein the defendant requests a reduction of his sentence pursuant to the recent amendments to the sentencing guidelines applicable to offenses involving cocaine base and the subsequent decision by the United States Sentencing Commission to make this amendment retroactive. Having carefully considered the motion, applicable statutory and case law, and being otherwise fully advised in the premises, the Court finds and orders as follows:

On April 4, 2005, Anthony Dixon was sentenced to a term of 140 months imprisonment, 60 months supervised release, a \$1,500.00 fine and a \$100.00 special assessment for possession with intent to distribute cocaine base, i.e., crack cocaine. After the defendant was sentenced, Amendment 706 to the Sentencing Guidelines, which lowers the base offense levels applicable to crack cocaine offenses, went into effect on November 1, 2007. The United States Sentencing Commission determined that Amendment 706 would apply retroactively through United States Sentencing Guidelines Manual §

1B1.10, effective on March 3, 2008. The result of the amendment and its retroactivity is that this Court, pursuant to 18 U.S.C. 3582(c)(2), has the discretion to reduce the terms of a defendant's imprisonment when certain criteria are met.

On May 21, 2008, the defendant filed a Motion for Reduction of Sentence pursuant to Amendment 706. This motion now is before the Court.

Based on the amended guidelines, the base offense level for the defendant's offense is 27, rather than 29. Accordingly, the sentencing guideline range now applicable to Dixon is 120 to 150 months. Accordingly, the Court reduces the defendant's sentence to a term of 120 months imprisonment.

III. CONCLUSION AND ORDER

Based upon the foregoing analysis and authorities,

IT IS HEREBY ORDERED that the defendant's Motion for Reduction of Sentence [docket entry no. 36] is **GRANTED**.

IT IS FURTHER ORDERED that the defendant Dixon's sentence be, and is hereby, reduced from 140 months to 120 months.

IT IS FURTHER ORDERED that all other terms and provisions of the original judgment remain unchanged and in full force and effect.

SO ORDERED, this the 2nd day of March 2009.

s/ David Bramlette

UNITED STATES DISTRICT JUDGE